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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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03/09/2000

Sam Mazza

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3713

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EXAMINER

POON, KING Y

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/521,723	<b>Applicant(s)</b> MAZZA, SAM	
	<b>Examiner</b> King Y. Poon	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. Claims 21, 22, 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyle (US 6,141,681) in view of Kageyama (US 5,303,336).

Regarding claim 21: Kyle teaches a method of presenting data to a viewer (404, fig. 4, column 4, lines 18-30, comprising: sending unformatted data (420, the data is not formatted using the executive of 416, fig. 4) to the viewer; sending; together with the portion, a plurality of formatters (headers, for processing the data section, column 4, lines 55-56) to the viewer (fig. 6a, column 4, lines column 4, lines 45-56) each of which is capable of formatting a portion of unformatted data into a format for viewing by the viewer; selecting one of the formatters at the viewer (column 4, lines 52-57); and formatting the portion by the selected formatter to the format (process, column 4, lines 55-56, also see background of invention) for viewing by the viewer.

Although the viewer must be able to identify and select the right formatter/header to format the data in Kyle, Kyle does not teach the identifying and selection technique. Therefore a person with ordinary skill in the art must rely on other references or teaching to make use of Kyle's invention (the identifying and selection part).

Kageyama, in the same area of identifying and selecting different formatter (command conversion programs corresponding to the different protocol used to from unformatted data, column 8, lines 15-20, column 6, lines 32-43) teaches the unformatted data (e.g., 1521, 1522, column 4, lines 55-60) comprising a portion having

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an associated tag (protocol identifier, column 4, lines 55-60, 1521a, 1522a, fig. 2B) to indicate a formatting of the unformatted data to be used.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kyle to include: the unformatted data comprising a portion having an associated tag to indicate a formatting of the unformatted data to be used such that the proper formatter can be identified and selected.

Regarding 22: Kyle teaches wherein the formatters are plug-able into the viewer (column 4, lines 1-6; the executive portion downloaded can be run by the interpreter program).

Regarding claim 24: Kyle teaches wherein the unformatted data comprises multiple portions (multiple transfer of data, column 7, lines 25-30, data 1, 2, 3, ..n, fig. 4). Kageyama also teaches wherein the unformatted data comprises multiple portions (e.g., 1521 a and 1521 b, and 1521 a is for storing the identification tag, fig. 2B)

Regarding claim 25: Kyle teaches wherein the multiple portions are produced by different writing entities (416, fig. 4, column 1, lines 60-67, column 2, lines 1-5, column 2, lines 40-55).

Regarding claims 26, 29: A viewer, (local computer, fig. 4) comprising: a detector (the software of the local computer that can identify the instruction portion and the data portion, column 6, lines 44-47, column 4, lines 50-55, from the multiple data received, column 7, lines 25-35, fig. 6a-fig. 6e) to detect in an incoming data stream a portion of unformatted data and to detect a plurality of plug-able formatters (header 1-n,

fig. 6a, column 4, lines 50-56), each of which is capable of formatting a portion of unformatted data into a format for viewing by the viewer; and an interpreter (424, fig. 4) to receive and process the selected formatter and the portion of unformatted data.

Although the viewer must be able to identify and select the right formatter/header to format the data in Kyle, Kyle does not teach the identifying and selection technique. Therefore a person with ordinary skill in the art must rely on other references or teaching to make use of Kyle's invention (the identifying and selection part).

Kageyama, in the same area of identifying and selecting different formatter (command conversion programs corresponding to the different protocol used to from unformatted data, column 8, lines 15-20, column 6, lines 32-43) teaches the unformatted data (e.g., 1521, 1522, column 4, lines 55-60) comprising a portion having an associated tag (protocaol identifier, column 4, lines 55-60, 1521a, 1522a, fig. 2B) to indicate a formatting of the unformatted data to be used.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kyle to include: the unformatted data comprising a portion having an associated tag to indicate a formatting of the unformatted data to be used by the detector such that the proper formatter can be identified and selected.

Regarding claims 27, 30: Kyle teaches wherein the unformatted data comprises multiple portions (multiple transfer of data, column 7, lines 25-30, data 1, 2, 3, ..n, fig. 4). Kageyama also teaches wherein the unformatted data comprises multiple portions (e.g., 1521 a and 1521 b, and 1521 a is for storing the identification tag, fig. 2B)

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Regarding claims 28, 31: Kyle teaches wherein the multiple portions are produced by different writing entities (416, fig. 4, column 1, lines 60-67, column 2, lines 1-5, column 2, lines 40-55).

2. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kyle in view of Kageyama as applied to claim 21 above, and further in view of well-known prior art.

Regarding claim 23: Kyle does not teach creating copies of the unformatted data; and sending the copies of the unformatted data in parallel to a plurality of interpreters.

However, Kyle, in the background of invention teaches his invention is related to on line computer services that computer user access data from a host or a server.

It is well-known in the art that a server would serving multiple users accessing the same data at the same time.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kyle to include: creating copies of the unformatted data; and sending the copies of the unformatted data in parallel to a plurality of interpreters, such that users would be able to view, for example, the video file of Kyle, column 4, lines 20-25, at the same time.

***Response to Arguments***

3. Applicant's arguments with respect to newly added claims 21-31 have been considered but are moot in view of the new ground(s) of rejection. Please see detailed office action.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 4, 2006

  
**KING Y. POON**  
**PRIMARY EXAMINER**